

SECOND REGULAR SESSION

SENATE BILL NO. 812

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CAUTHORN.

Read 1st time January 5, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

3890L.011

AN ACT

To repeal section 227.240, RSMo, and to enact in lieu thereof one new section relating to the location and removal of public utility equipment, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 227.240, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 227.240, to read as follows:

227.240. 1. The location and removal of all telephone, cable television,
2 and electric light and power transmission lines, poles, wires, and conduits and all
3 pipelines and tramways, erected or constructed, or hereafter to be erected or
4 constructed by any corporation, **municipality, public water supply district,**
5 **sewer district,** association or persons, within the right-of-way of any state
6 highway, insofar as the public travel and traffic is concerned, and insofar as the
7 same may interfere with the construction or maintenance of any such highway,
8 shall be under the control and supervision of the state highways and
9 transportation commission.

10 2. A cable television corporation or company shall be permitted to place
11 its lines within the right-of-way of any state highway, consistent with the rules
12 and regulations of the state highways and transportation commission. The state
13 highways and transportation commission shall establish a system for receiving
14 and resolving complaints with respect to cable television lines placed in, or
15 removed from, the right-of-way of a state highway.

16 3. The commission or some officer selected by the commission shall serve
17 a written notice upon the **entity,** person or corporation owning or maintaining
18 any such lines, poles, wires, conduits, pipelines, or tramways, which notice shall
19 contain a plan or chart indicating the places on the right-of-way at which such

20 lines, poles, wires, conduits, pipelines or tramways may be maintained. The
21 notice shall also state the time when the work of hard surfacing said roads is
22 proposed to commence, and shall further state that a hearing shall be had upon
23 the proposed plan of location and matters incidental thereto, giving the place and
24 date of such hearing. Immediately after such hearing the said owner shall be
25 given a notice of the findings and orders of the commission and shall be given a
26 reasonable time thereafter to comply therewith; provided, however, that the effect
27 of any change ordered by the commission shall not be to remove all or any part
28 of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way
29 of the highway. The removal of the same shall be made at the cost and expense
30 of the owners thereof unless otherwise provided by said commission, and in the
31 event of the failure of such owners to remove the same at the time so determined
32 they may be removed by the state highways and transportation commission, or
33 under its direction, and the cost thereof collected from such owners, and such
34 owners shall not be liable in any way to any person for the placing and
35 maintaining of such lines, poles, wires, conduits, pipelines and tramways at the
36 places prescribed by the commission.

37 4. The commission is authorized in the name of the state of Missouri to
38 institute and maintain, through the attorney general, such suits and actions as
39 may be necessary to enforce the provisions of this section. Any corporation,
40 association or the officers or agents of such corporations or associations, or any
41 other person who shall erect or maintain any such lines, poles, wires, conduits,
42 pipelines or tramways, within the right-of-way of such roads which are
43 hard-surfaced, which are not in accordance with such orders of the commission,
44 shall be deemed guilty of a misdemeanor.

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